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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 18 December 2008 from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the President of the General Assembly

We have the pleasure of transmitting a statement on human rights, sexual orientation and gender identity (see annex), signed by Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Romania, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela.

We would appreciate it if the statement, which was read out in plenary meeting today, would be circulated as a document of the sixty-third session of the General Assembly, under agenda item 64 (b).

(*Signed*) Jorge **Argüello**
Permanent Representative of Argentina to the United Nations

(*Signed*) Maria Luiza Ribeiro **Viotti**
Permanent Representative of Brazil to the United Nations

(*Signed*) Neven **Jurica**
Permanent Representative of Croatia to the United Nations

(*Signed*) Jean-Maurice **Ripert**
Permanent Representative of France to the United Nations

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(*Signed*) Emanuel **Issoze-Ngondet**
Permanent Representative of Gabon to the United Nations

(*Signed*) Yukio **Takasu**
Permanent Representative of Japan to the United Nations

(*Signed*) Frank **Majoor**
Permanent Representative of the Netherlands to the United Nations

(*Signed*) Morten **Wetland**
Permanent Representative of Norway to the United Nations

Annex to the letter dated 18 December 2008 from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the President of the General Assembly

[Original: English, French and Spanish]

We have the honour to make this statement on human rights and sexual orientation and gender identity on behalf of [...].

1. We reaffirm the principle of universality of human rights, as enshrined in the Universal Declaration of Human Rights, whose sixtieth anniversary is celebrated this year, article 1 of which proclaims that "all human beings are born free and equal in dignity and rights".

2. We reaffirm that everyone is entitled to the enjoyment of human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as set out in article 2 of the Universal Declaration of Human Rights, and article 2 of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, as well as in article 26 of the International Covenant on Civil and Political Rights.

3. We reaffirm the principle of non-discrimination, which requires that human rights apply equally to every human being regardless of sexual orientation or gender identity.

4. We are deeply concerned by violations of human rights and fundamental freedoms based on sexual orientation or gender identity.

5. We are also disturbed that violence, harassment, discrimination, exclusion, stigmatization and prejudice are directed against persons in all countries in the world because of sexual orientation or gender identity, and that these practices undermine the integrity and dignity of those subjected to these abuses.

6. We condemn the human rights violations based on sexual orientation or gender identity wherever they occur, in particular the use of the death penalty on this ground, extrajudicial, summary or arbitrary executions, the practice of torture and other cruel, inhuman and degrading treatment or punishment, arbitrary arrest or detention and deprivation of economic, social and cultural rights, including the right to health.

7. We recall the statement in 2006 before the Human Rights Council by fifty-four countries requesting the President of the Council to provide an opportunity, at an appropriate future session of the Council, to discuss these violations.

8. We commend the attention paid to these issues by special procedures of the Human Rights Council and treaty bodies and encourage them to continue to integrate consideration of human rights violations based on sexual orientation or gender identity within their relevant mandates.

9. We welcome the adoption of resolution AG/RES. 2435 (XXXVIII-O/08) entitled "Human Rights, Sexual Orientation, and Gender Identity" by the General Assembly of the Organization of American States during its thirty-eighth session, on 3 June 2008.

10. We call upon all States and relevant international human rights mechanisms to commit to promote and protect the human rights of all persons, regardless of sexual orientation or gender identity.

11. We urge States to take all the necessary measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention.

12. We urge States to ensure that human rights violations based on sexual orientation or gender identity are investigated and perpetrators held accountable and brought to justice.

13. We urge States to ensure adequate protection of human rights defenders, and remove obstacles which prevent them from carrying out their work on issues of human rights and sexual orientation and gender identity.